

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 JAMES BARKER,

4 Plaintiff

Case No. 3:19-cv-00158-RCJ-WGC

ORDER

5 v.

6 BAKER, *et al.*,

7 Defendants
8

9 **I. DISCUSSION**

10 Plaintiff, who is a prisoner in the custody of the Nevada Department of Corrections
11 (“NDOC”), has submitted a civil rights complaint pursuant to 42 U.S.C. § 1983 and has
12 filed an application to proceed *in forma pauperis*. (ECF Nos. 1, 1-1).

13 Plaintiff’s application to proceed *in forma pauperis* is incomplete. Pursuant to
14 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an application to
15 proceed *in forma pauperis* and attach both an inmate account statement for the past
16 six months and a properly executed financial certificate. Plaintiff has not submitted a
17 properly executed financial certificate or an inmate account statement. (See ECF No. 1).
18 As such, the *in forma pauperis* application is denied without prejudice. The Court will
19 retain Plaintiff’s civil rights complaint (ECF No. 1-1), but will not file it until the matter of
20 the payment of the filing fee is resolved. Plaintiff will be granted an opportunity to cure
21 the deficiencies of his application to proceed *in forma pauperis*, or in the alternative, pay
22 the full filing fee for this action. If Plaintiff chooses to file a new application to proceed *in*
23 *forma pauperis* he must file a fully complete application to proceed *in forma pauperis*.

24 **II. CONCLUSION**

25 For the foregoing reasons, IT IS ORDERED that Plaintiff’s application to proceed
26 *in forma pauperis* (ECF No. 1) is DENIED without prejudice to file a new application.

27 IT IS FURTHER ORDERED that the Clerk of the Court SHALL SEND Plaintiff the
28 approved form application to proceed *in forma pauperis* by a prisoner, as well as the

1 document entitled information and instructions for filing an *in forma pauperis* application.

2 IT IS FURTHER ORDERED that within thirty (30) days from the date of this order,
3 Plaintiff shall either: (1) file a fully complete application to proceed *in forma pauperis*,
4 on the correct form with complete financial attachments in compliance with 28 U.S.C.
5 § 1915(a); or (2) pay the full \$400 fee for filing a civil action (which includes the \$350 filing
6 fee and the \$50 administrative fee).

7 IT IS FURTHER ORDERED that if Plaintiff does not timely comply with this order,
8 dismissal of this action may result.

9 IT IS FURTHER ORDERED that the Clerk of the Court shall retain the complaint
10 (ECF No. 1-1), but shall not file it at this time.

11 DATED: March 25, 2019.

12 
13 UNITED STATES MAGISTRATE JUDGE